

Arizona Supreme Court
Civil Petition for Review - Special Action

CV-16-0229-PR

BARRY ATKINS/MISSY ATKINS v HON. BRODMAN et al

Appellate Case Information

Case Filed: **14-Sep-2016** Archive on: 23-Jan-2018 (planned)
Case Closed: **23-Jan-2017** Destroy on: 23-Jan-2022 (planned)

Dept/Composition

Side 1. BARRY M. ATKINS, Petitioner

(Litigant Group) BARRY M. ATKINS

- Barry M Atkins

Attorneys for: Petitioner

Karen H Beyea-Schroeder, Esq. (AZ Bar No. 21675)
J Ken Johnson, Esq. (TX Bar No. 10746300)

Side 2. MISSY ATKINS, Petitioner

(Litigant Group) MISSY ATKINS

- Missy Atkins

Attorneys for: Petitioner

F Thomas Hovore, Esq. (AZ Bar No. 21518)

Side 3. HON. ROGER BRODMAN, JUDGE OF THE SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of Maricopa, Respondent Judge

(Litigant Group) HON. ROGER BRODMAN, JUDGE OF THE SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of Maricopa

- Hon. Roger E Brodman

Side 4. SNELL & WILMER, L.L.P., an Arizona limited liability partnership; DONALD W. BIVENS and PATRICIA LEE REFO, husband and wife; ROBERT M. KORT and MYNDI M. KORT, husband and wife, Real Party in Interest

(Litigant Group) SNELL & WILMER, L.L.P., an Arizona limited liability partnership; DONALD W. BIVENS and PATRICIA LEE REFO, husband and wife; ROBERT M. KORT and MYNDI M. KORT, husband and wife

- Snell & Wilmer LLP
- Donald W Bivens
- Patricia Lee Refo
AZ Bar No. 17032
[Current Member]
Admitted 6/11/96
- Robert M Kort
AZ Bar No. 16602
[Current Member]
Admitted 10/21/95
- Myndi M Kort
AZ Bar No. 16467
[Current Member]
Admitted 10/21/95

Attorneys for: Real Parties in Interest

Timothy J Burke, Esq. (AZ Bar No. 2568)
Theresa Dwyer, Esq. (AZ Bar No. 10246)
Amy Abdo, Esq. (AZ Bar No. 16346)
Jessica Post, Esq. (AZ Bar No. 27468)

CASE STATUS

Jan 23, 2017....Case Closed

Jan 23, 2017....Decision Rendered

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA	1 CA-SA 16-0200					
↗ MAR	CV 2011-052578			Roger E Brodman, Authoring Judge of Order Comments: (none)		
↗ MAR	CV 2011-052858			Roger E Brodman, Authoring Judge of Order Comments: (none)		
↗ MAR	CV 2014-052003			Roger E Brodman, Authoring Judge of Order Comments: (none)		

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CASE DECISION

23-Jan-2017 ORDER

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = DENIED.

Filed: **23-Jan-2017**

Mandate:

Decision Disposition

Denied

15 PROCEEDING ENTRIES

1. 14-Sep-2016 FILED: Petition for Review of a Special Action Decision of the Court of Appeals (Request for STAY of Proceedings); Certificate of Service; Certificate of Compliance; (Copy of) Order Declining Special Action Jurisdiction (Filed in CofA on 9/9/16) (Petitioners Atkins)
2. 14-Sep-2016 FILED: Appendix in Support of Petition for Review of a Special Action; Certificate of Service (Petitioners Atkins)
3. 14-Sep-2016 FILED: Notice of Receipt of Complete Application; Certificate of Good Standing (for Jerry Kenneth Johnson II); Application for Appearance Pro Hac Vice; (Courtesy Copy) Order Re: Motion to Associate Counsel Pro Hac Vice (Petitioners Atkins)
4. 14-Sep-2016 FILED: Notice of Pro Hac Vice Standing for Jerry Ken Johnson; Certificate of Service; Exhibit A (Petitioners Atkins)
5. 14-Sep-2016 FILED: Motion to Associate Counsel Pro Hac Vice; Certificate of Service; Exhibit A (Petitioners Atkins)
6. 14-Sep-2016 FILED: Motion to Appear Pro Hac Vice on a Temporary Basis; Certificate of Service (Petitioners Atkins)
7. 15-Sep-2016 On September 14, 2016, Petitioners Atkins filed a "Petition for Review of a Special Action Decision of the Court of Appeals (Request for STAY of Proceedings)."

Karen Beyea-Schroeder, having filed a "Motion to Associate Counsel Pro Hac Vice" and "Motion to Appear Pro Hac Vice on Temporary Basis" asking that J. Ken Johnson be allowed to appear and participate in the above-referenced matter on a temporary basis and that the appropriate application and related materials have been submitted to the State Bar of Arizona on April 4, 2016, pursuant to Rule 38(a)(3), Upon consideration,

IT IS ORDERED denying the "Request for Stay of Proceedings."

IT IS FURTHER ORDERED granting the "Motion to Associate Counsel Pro Hac Vice."

IT IS FURTHER ORDERED granting the Motion and authorizing J Ken Johnson to appear Pro Hac Vice on a temporary bases before this Court in this matter up to and including April 4, 2017. (Hon. Robert M. Brutinel)
8. 14-Sep-2016 FILED: Record from CofA: Electronic Record
9. 16-Sep-2016 RECEIPT No.: ASC2016-00863 ; \$280.00, Authorization: 59014244489, Applied to: BARRY M. ATKINS - Class A Filing Fee (\$280.00) Paid for: BARRY M. ATKINS and MISSY ATKINS - By Intresys Inc (Memo: Form Set # 1931451)
10. 7-Oct-2016 FILED: Motion for Procedural Order for Extension of Time to File and Respond to Petition for Review (with Consent); Certificate of Service to Motion for Procedural Order for Extension of Time to File and Respond to Petition for Review (with Consent) (Real Parties Snell & Wilmer LLP et al)
11. 11-Oct-2016 A "Motion for Procedural Order for Extension of Time to File and Respond to Petition for Review (with Consent)" (Real Parties Snell & Wilmer LLP et al) having been filed on October 7, 2016,

IT IS ORDERED granting an extension of time to file the Response to Petition for Review on or before November 18, 2016. No further extensions of time shall be granted absent extraordinary circumstances. (Janet Johnson, Clerk)
12. 18-Nov-2016 FILED: Response to Petition for Review (Reply Attached); Certificate of Service to Response to Petition for Review; Certificate of Compliance to Response to Petition for Review (Real Parties Snell & Wilmer et al)
13. 18-Nov-2016 FILED: Appendix to Response to Petition for Review; Certificate of Service to Appendix to Response to Petition for Review (Real Parties Snell & Wilmer et al)
14. 22-Nov-2016 RECEIPT No.: ASC2016-01079 ; \$140.00, Authorization: 26019450171, Applied to: SNELL & WILMER, L.L.P., an Arizona limited liability - Class B Filing Fee (\$140.00) Paid for: SNELL & WILMER, L.L.P., an Arizona limited liability partnership; DONALD W. BIVENS and PATRICIA LEE REFO, husband and wife; ROBERT M. KORT and MYNDI M. KORT, husband and wife - By Intresys Inc (Memo: FormSet No. 2003722)

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15 PROCEEDING ENTRIES

15. 23-Jan-2017 ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Real Parties Snell & Wilmer et al) = DENIED.

A panel composed of Justice Brutinel, Justice Timmer, Justice Bolick and Justice Lopez participated in the determination of this matter.
